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SUMMARY RECORD OF THE 49th MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. SRIVIHOK (Vice-Chairman)	(Thailand)
later:	Mr. KRENKEL	(Austria)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued) (A/47/60-S/23329, A/47/67, A/47/82-S/23512, A/47/84-S/23520, A/47/88-S/23563, A/47/89-S/23576, A/47/91-S/23585, A/47/122-S/23716, A/47/126, 172, 175, 180, A/47/204-S/23887 and Corr.1, A/47/225-S/23998, A/47/256-S/24061, A/47/267, 268, 280, A/47/290-S/24204, A/47/296, A/47/335-S/24306, A/47/343, A/47/351-S/24357, A/47/356-S/24367, A/47/361-S/24370, A/47/366, A/47/392-S/24461, A/47/465, A/47/476, A/47/527-S/24660, A/47/569, A/47/671-S/24814)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501, 502, 503, 504, 552, 626, 630, 668, 701 and 702)

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AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (A/47/247; A/C.3/47/9)

1. Mr. GROTH (Special Rapporteur on the situation of human rights in Cuba), after pointing out a translation error at the end of the third sentence of paragraph 60 of the English version of his report (A/47/625) (where the words "seem to have so far had an impact" should be replaced by "seem not to have so far had an impact"), recalled that he had been designated Special Rapporteur pursuant to resolution 1992/61 of the Commission on Human Rights, following the resignation of the Special Representative of the Secretary-General. Immediately upon his appointment, he had sought to establish direct contact with the Cuban Government and had considered going there so as to better assess the human rights situation. However, the Cuban Government had not yet agreed to his request. Moreover, it was only after completing his report that he had learned of the constitutional reforms approved by the National Assembly of People's Power in July 1992, some of which had consequences for the exercise of human rights. Those reforms would be considered in the report to be submitted later to the Commission on Human Rights.

2. Despite the lack of cooperation on the part of the Cuban Government, various sources had supplied him with considerable documentation on human rights violations alleged to have occurred in Cuba during 1992. That material, albeit incomplete, had enabled him to analyse the most serious problems, and the information it contained could be considered reliable.

3. Part of the report was devoted to freedom of opinion, expression and association. The cases mentioned therein showed the intransigence of the authorities towards the expression of any opinion considered contrary to the

official line. That intransigence sometimes gave rise to arrests and convictions handed down during trials lacking the guarantees provided for in the relevant international instruments. In most cases, the consequences were not very serious: a few days' detention, threats, loss of job, and so on.

4. The Government needed to take measures to authorize the exercise of freedom of expression and association in accordance with the provisions of the Universal Declaration of Human Rights, which, with the other human rights instruments developed under United Nations auspices, constituted a set of minimum standards that every society must respect.

5. He was also concerned with the situation prevailing in the prisons, particularly with regard to medical care and nutrition, as well as with the incidents that often took place in solitary confinement cells. The State must take urgent measures to give greater guarantees to prisoners and to make the penitentiary system more transparent.

6. In the conclusions of his report, and in particular in paragraph 58 thereof, he had proposed the adoption of six measures by the Cuban Government. The first two were to improve the situation regarding the exercise of the freedoms of opinion, expression and association. The following measures dealt with the serious deficiencies of the legal and penitentiary systems and proposed a review of sentences imposed for political offences and for trying to leave the country by unlawful means. Lastly, he had recommended the adoption of measures to expedite the procedures for granting permits to leave the country.

7. While not overlooking the urgent need for specific measures as proposed above, he nevertheless wished to point out that any analysis concerning the situation of human rights in Cuba must accept the fact that the Government was, and had been for a very long time, surrounded by an international political climate extremely hostile to it. Economic sanctions served only to prolong an untenable internal situation. They were therefore counterproductive if it was the international community's intention to improve the human rights situation and, at the same time, to create conditions for a peaceful and gradual transition to a genuinely pluralistic society.

8. Mr. BRUNI CELLI (Special Rapporteur on the situation of human rights in Haiti), recalled that, pursuant to resolution 1992/77 of the Commission on Human Rights, he had been requested to prepare a report on the situation of human rights in Haiti based on all relevant information, especially information supplied by the Organization of American States (OAS), and to submit an interim report to the General Assembly and a report to the Commission.

9. Since the coup d'état of 29 September 1991, real power in Haiti rested with the armed forces, which controlled all areas of political life. Despite pressure from the international community, the military had been refusing to

(Mr. Bruni Celli)

participate directly in negotiations which had been initiated with a view to resolving the crisis, and which had resulted in the signature of the Washington protocols in February 1992. Without the participation of the military, all negotiations were doomed to fail.

10. The human rights situation in Haiti had deteriorated appreciably during 1992. The Commission on Human Rights of the United Nations and the Inter-American Commission on Human Rights and other intergovernmental organizations had received a large number of complaints citing murders, disappearances, harassment, arbitrary arrests and torture. The presence of permanent OAS observers - a recent initiative - could be a useful way to prevent and help to limit, human rights violations. That mission should be expanded and permanent observers from the United Nations could participate.

11. In Haiti, the Constitution was not in force and the laws were not being enforced. Life and individual freedom were at the mercy of security forces, the police and "section chiefs".

12. The problem of the boat people should be viewed in the political and economic context of the island. While it was not a simple matter to distinguish between persons fleeing Haiti for economic reasons and those fleeing for political reasons, it was necessary, in order to understand the situation, to take into account certain factors. For example, during the electoral campaign of 1990, grass-roots organizations had been created in the poorer districts of the cities and in the countryside in order to support the candidacy of Jean-Bertrand Aristide. Since the coup d'état, the military considered those organizations to be the main obstacle to the strengthening of their power, and thus their main enemy. Members of those organizations, supporters of President Aristide, had been the victims of senseless repression. They were living not only in extreme poverty but also in permament fear of being arrested, ill-treated, tortured or murdered. That situation explained, at least in part, why boat people were seeking to flee their country.

13. A new form of repression had been added to the list of persecutions: the security forces' extortion of protection money from citizens in the poorer districts of the cities and in the countryside in order to avoid their being arrested or ill-treated, to make the conditions of their detention more bearable, or to obtain their release. In such cases, victims were often forced to sell everything they owned and found themselves completely indigent.

14. The extensive human rights violations in Haiti could be decreased only through a return to a democratic political system. It was necessary not only to do everything possible to enable the various parties to the conflict to reach agreement, but also to assist Haiti in developing institutions conducive to respect for human rights. That in turn required, inter alia, separating the army from the police, securing the independence of the judiciary, revising laws, establishing a precise definition of property (particularly in rural

areas), modernizing the prison system and bringing it under the control of the Ministry of Justice, eliminating the "section chiefs" and punishing those responsible for human rights violations.

15. In his opinion, the General Assembly should take the following measures: express its deep concern at the widespread violence in Haiti and condemn that situation; continue to monitor the human rights situation in Haiti and alert world public opinion to the serious human rights situation in that country; inform the de facto Government of Haiti of its obligation to comply with the provisions of legal instruments relating to human rights to which Haiti was a State Party; inform the de facto authorities of Haiti that persistent and systematic violation of human rights represented a breach of the principles enshrined in the Charter of the United Nations, and the Charter of the Organization of American States; express its concern at the fate of the thousands of Haitians who had been or were being sent back to their country after attempting to flee abroad and request that the prevailing norms of humanitarian law should be applied in their case; express particular satisfaction at the cooperation established between the organizations of the United Nations and those of the inter-American system with a view to promoting a solution to the political crisis in Haiti; recognize the vigorous efforts undertaken by the inter-American system to resolve the political crisis in Haiti and request the Secretary-General of the United Nations to continue to offer his cooperation; bear in mind that the settlement of the political crisis of Haiti was only a point of departure for a process of structural change which was needed to ensure respect for human rights in Haiti; maintain its decision to appoint a special rapporteur to continue to monitor the human rights situation in Haiti and to report periodically to the Commission on Human Rights and the United Nations General Assembly; finally, ensure that the United Nations participated actively in the civilian mission of the OAS to monitor the human rights situation in Haiti in coordination with the Centre for Human Rights and the Special Rapporteur.

16. Mr. MAUTNER-MARKHOF (Chief of the Special Procedures Section of the Centre for Human Rights) introduced, on behalf of Mr. Galindo Pohl, Special Representative of the Commission on Human Rights, the interim report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (A/47/617).

17. The report contained a summary of the information which the Special Representative had received during the period from January to September 1992. It relied heavily on the information disseminated by the Iranian media, especially press and radio outlets. The information gathered during the period under study had been transmitted to the Iranian Government in a memorandum dated 25 September 1992. Information received during the following period would be the subject of another memorandum which would be transmitted to the Iranian Government in several weeks, prior to the preparation of the final report which the Special Representative would present to the Commission on Human Rights at its forty-ninth session in February 1993.

(Mr. Mautner-Markhof)

18. The report of the Special Representative dealt with the main issues with which the Special Representative had been concerned since the beginning of his mandate, in 1984, and contained an account of the events of 5 April 1992. It dealt prominently with such issues as the right to life, freedom of the press, freedom of religion and the right to freedom from torture or cruel, inhuman or degrading treatment or punishment. A brief analysis of the situation with regard to those basic rights was contained in chapter IV of the report, entitled "Considerations". The report also examined the issues of the right to due process of law and the insecure conditions in various cities.

19. The number of executions reported by the Iranian press - 224 from January to July 1992 - had declined as compared with the same period in 1991, but remained excessively high, under the criteria of restrictive application established in the International Convenant on Civil and Political Rights. The death penalty had been imposed on persons accused of having participated in the disturbances which had taken place in several cities, in particular, at Mashhad and Shiraz, in April and May 1992, on the occasion of the destruction, ordered by the municipal authorities, of dwellings built in disregard of official regulations. The death penalty had continued to be imposed during the second half of the year for both common crimes, such as drug trafficking, and political offences.

20. Reliable information concerning the use of torture and ill-treatment had been transmitted to the Special Representative. Mention should be made, in that connection, of the letter from Mr. Amir Entezam, former Vice-Prime Minister of the First Provisional Government of the Islamic Republic of Iran, who had been sentenced after a summary trial, incarcerated in Evin prison and subjected to cruel treatment (appendix II of the report). Mr. Entezam called for the support of the international community in order to have his trial reopened and to be tried in accordance with the provisions of the International Covenant on Civil and Political Rights, which the Iranian Government had pledged to respect.

21. Moreover, according to recent information, members of the Baha'i faith were persecuted. Families had had their property confiscated and, in several cases, had received an order to evacuate their dwellings. The complaints filed by the victims had so far gone unanswered. The followers of the Baha'i faith feared that such acts were the prelude to widespread persecution.

22. In March 1992, the Iranian authorities had suspended the activities of the International Committee of the Red Cross (ICRC) in the Islamic Republic of Iran for an indefinite period, soon after ICRC had begun visiting Iranian prisons, in January. It was to be hoped that the Iranian Government would reconsider that decision and would resume the implementation of the agreement which it had concluded with ICRC, so that ICRC representatives could again visit prisons and talk with prisoners.

(Mr. Mautner-Markhof)

23. In accordance with the recommendations made by the Special Representative in several of his previous reports, the Centre for Human Rights had organized, in cooperation with the Ministry of Foreign Affairs of the Islamic Republic of Iran, a training course on the preparation of reports to be submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. The course, which had been held in Tehran from 2 to 5 August 1992, had brought together 40 participants from various countries, including officials of several Iranian ministries and officials involved in the administration of justice. The course had provided an opportunity to consider ways of incorporating international human rights norms into national legislation and the international system of protection for human rights.

24. The Special Representative had informed the Iranian Government that he wished to make his fourth visit to the Islamic Republic of Iran from 10 October to 10 November 1992. The Iranian Government's reply had not reached the Special Representative until 24 November. Nevertheless, the Special Representative was willing to postpone his visit until January 1993, so that the information which he would receive and his conclusions could be included in his final report.

25. In the last chapter of his interim report, the Special Representative proposed that the General Assembly should call upon the Government of the Islamic Republic of Iran to continue its cooperation with the Commission on Human Rights through the intermediary of the Special Representative, and thus to respond to the comments and allegations which had been brought to its attention, and to accept a fourth visit to the country by the Special Representative. The Special Representative was also of the view that the Assembly should make an urgent appeal to the Government of the Islamic Republic of Iran to adopt effective measures at all levels of Government in order to avoid any repetition of occurrences such as the ones indicated in the interim report - in particular, to suspend indefinitely the imposition of the death penalty - to redress the harmful consequences of those occurrences for individuals, and to punish those responsible.

26. Lastly, the Special Representative believed that the United Nations should continue to monitor the situation of human rights in the Islamic Republic of Iran and to protect the rights of the Iranian people.

27. Mr. ERMACORA (Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights), introducing, on behalf of Mr. Balanda, Chairman of the Ad Hoc Working Group of Experts on Southern Africa, the Group's preliminary report for the period 1 January to 31 August 1992 (A/47/676), said that the report dealt with violations of human rights in South Africa which had been brought to the Group's attention, particularly cases of torture and ill-treatment of detainees and deaths occurring in detention or solitary confinement.

(Mr. Ermacora)

28. Since its inception in 1967, the Group had never received authorization from the South African Government to visit South Africa in order to examine the situation of human rights. Under those circumstances, the Group had had no alternative in 1992, as in previous years, but to visit the neighbouring countries of Zimbabwe and Botswana, in order to gather evidence from individual witnesses, voluntary organizations and human rights organizations. Overall, the Group had heard 17 witnesses during its visits to southern Africa and two witnesses in Geneva.

29. The Working Group was particularly concerned by the tragic events leading to the deaths of 45 persons at Boipatong on 17 June 1992, and three others several days later during the visit of President de Klerk to the area. In the wake of those events, the African National Congress (ANC) had decided to discontinue negotiations with the South African authorities; it had subsequently agreed to resume them on the condition that all political prisoners would first be released. The situation had improved since then, and the South African Government had released approximately 120 political prisoners on 25 September. Furthermore, the South African authorities had removed 13 high-ranking police officers because of their actions during the Boipatong massacre. Although those officers were not the most notorious, it was hoped that their dismissal would constitute the first phase of a major reform of the police force. The promotion of three non-white officers to a high rank, the highest ever achieved by non-whites, was also an encouraging step.

30. The fact that the South African Government had decided on 20 October to amend the relevant laws in order to allow Black South Africans to serve in the Government was in its favour. On the other hand, however, it was deplorable that it had attempted, through a bill on indemnities, to provide indemnity from prosecution for those who had committed crimes with a political motive. Some saw that as an attempt to provide immunity to officials, police officers and soldiers who had committed illegal acts against opponents of the apartheid system, in the event that a democratic South African Government was established.

31. With regard to the right to life, the situation remained far from satisfactory in spite of some encouraging developments. Less than three months after the Boipatong massacre, the armed forces of Ciskei had fired into a group of ANC supporters protesting the lack of political freedom in the so-called "homelands", killing 29. According to media accounts, the Goldstone Commission established to investigate those tragic incidents had called the actions of the armed forces of Ciskei "morally and legally indefensible" and "deserving of the strongest censure", and had criticized the ANC leadership for having knowingly or negligently exposed demonstrators to violence by the authorities.

32. The South African Government's attitude towards ANC had been contradictory. According to information received by the Working Group, eight months after the start of the Convention for a Democratic South Africa

(CODESA) talks, the Government had launched a campaign to discredit ANC abroad; it had spent 12 million pounds on the campaign before ending it in August 1991. The Goldstone Commission had had access to secret files showing that a hired killer had been recruited to lead an operation to compromise members of the military wing of ANC. The implication of high-ranking South African officials in that affair was causing great concern, since those same officials were currently participating, on behalf of the South African Government, in the CODESA talks.

33. The question of the so-called "homelands" also remained of great concern. The Group took a very serious view of allegations that the Government was secretly planning to extend the territory of Kwazulu and other "homelands", contrary to the White Paper on Land Reform of 1991 in which the Government had undertaken to abandon apartheid policies of land allocation.

34. There had been no change in the violation of the most fundamental rights: according to statistics furnished by the Human Rights Commission of South Africa, there had been 3,111 deaths and 5,109 injuries due to political violence in 1992; 114 persons had died in police custody and there had been 432 detentions without trial. South Africa was prey to opposing factions both inside and outside the country, and the resulting climate of insecurity and uncertainty served to perpetuate violence, even as apartheid was being dismantled.

Mr. Srivihok (Thailand), Vice-Chairman, took the Chair.

35. Mr. BLACKWELL (United States of America) said that much had changed since the first World Conference on Human Rights held 25 years earlier in Tehran. Ideological divisions had disappeared; tyranny was giving way to democracy and confrontation to negotiation. Unfortunately, despite the efforts of the United Nations, Governments and men and women of good will, the ancient evils of torture, intolerance and repression persisted.

36. He hoped that the Third Committee could reach a consensus on the agenda for the 1993 World Conference on Human Rights. In that regard, his delegation welcomed the efforts of the Chairman of the Third Committee and the Chairman of the Preparatory Committee. For its part, his delegation had decided to set aside its own reservations and to accept the text as presented. It urged other delegations to do likewise so that all countries could work together to achieve the goals of the Conference.

37. The Conference should provide an opportunity for an exchange of ideas, discussion of strategies and celebration of the great human rights achievement of the twentieth century, namely, the acknowledgement of the universality of human rights. The Universal Declaration of Human Rights was indeed "a common standard of achievement for all peoples and all nations".

(Mr. Blackwell, United States)

38. His delegation agreed with the Under-Secretary-General for Human Rights that the Conference should devote its attention to protection, promotion and prevention. Its primary goal should be the implementation of existing standards. The main task was to make respect for human rights a reality.

39. Specifically, his delegation would like to see an expansion of United Nations human rights advisory services, an improvement of investigation and monitoring mechanisms, an enhancement of the system of rapporteurs, the confidential communications mechanism, known as procedure 1503, and coordination between the Commission on Human Rights and treaty monitoring bodies. In that regard, it welcomed the work of the meeting of persons chairing the human rights treaty bodies and looked forward to reviewing their report and recommendations on the World Conference.

40. The Conference should also consider improved methods for holding to account those Governments that persistently refused to respect their citizens' human rights.

41. It was also important to improve the efficiency of the Centre for Human Rights at Geneva and, to that end, to enhance its personnel and financial resources, which had remained static even though the Centre's responsibilities had multiplied.

42. The Conference should focus on several other important issues, such as the goal of eliminating torture by the year 2000, addressing the spread of ethnic, racial and religious intolerance, integrating women's issues in existing human rights mechanisms and highlighting the linkages among human rights, democracy and development.

43. His delegation recommended that the World Conference should focus particularly on one of the most egregious human rights abuses, torture. Although many countries had ratified the Convention against Torture, non-governmental organizations estimated that that terrible practice persisted in over 100 countries.

44. The Conference should also devote attention to the grave and urgent problem, observed in nations such as Yugoslavia and the Sudan, of ethnic, racial and religious intolerance, which threatened millions of people around the world.

45. His Government believed that women's issues should be considered in the context of the overall debate on human rights violations; considering those issues under a separate agenda item could actually marginalize them. Existing human rights instruments implicitly and explicitly protected women, on paper at least. The goal should be to improve those protections for women as well as for men.

(Mr. Blackwell, United States)

46. While the United States might have a different perspective from many on the question of economic, social and cultural "rights", it hoped to engage in a positive and productive dialogue on the issue in preparation for the World Conference. Human rights and democracy were important elements in the economic development of any country. The United States was confident that the World Conference on Human Rights had the potential to lay the groundwork for a better, freer future for all peoples of the world.

47. Mr. KHOUINI (Tunisia) said that with the advance of democracy, pluralism and freedom, the question of human rights had come under renewed scrutiny. He commended the tremendous work done by the United Nations in codifying the principles and ideals set forth in the Universal Declaration and the Charter and in establishing mechanisms for the monitoring and protection of human rights. Those efforts had produced tangible results, as evidenced by the many international covenants and conventions on the subject, most of which had been ratified by Tunisia.

48. Tunisia's adherence to the principles of the Universal Declaration and of the Charter of the United Nations was enshrined in the preamble to its Constitution. Moreover, since 7 November 1987, Tunisia had taken steps to guarantee the exercise of and effective respect for human rights. All the country's political parties and social organizations had signed a national covenant whereby Tunisian women and men, regardless of their views, had reaffirmed their full adherence to the consolidation of democracy and the rule of law. Among other things, that covenant guaranteed individual security, freedom and dignity, freedom of opinion and expression, freedom of the press and freedom of religion. It called for tolerance, outlawed violence in all its forms and established equality among citizens, male and female, without discrimination. The 1988 covenant reflected the situation actually prevailing in Tunisia.

49. Upon his accession to power, Mr. Ben Ali, the President of Tunisia, had undertaken to strengthen fundamental freedoms. The measures taken over the past five years were geared towards that end and included the release of political prisoners (19,904 of those prisoners had been granted amnesty and, of that number, 18,888 had had their civil rights restored since July 1987), promulgation of an amnesty act in July 1989, promulgation of the act establishing a multi-party system, abolition of special courts, regulation of police custody and abolition of forced labour.

50. In addition, Tunisia was working to disseminate widely a culture of human rights. A chair in human rights had been created at the university. A higher committee for human rights had been established and was responsible for giving its opinion on ways of improving human rights legislation; its powers would be expanded to include the inspection of detention centres and prisons.

51. At the international level, Tunisia was cooperating with non-governmental organizations. Amnesty International, Greenpeace, Al-Taler and the Arab

(Mr. Khouini, Tunisia)

Institute for Human Rights were represented in Tunisia, and the Government had recently granted authorization to the African Committee for Development and Human Rights.

52. Tunisia had always considered human rights to be an indivisible whole. The Government was equally concerned to guarantee the right to employment, health, education, housing and social security as it was to guarantee freedom of opinion, expression and information, equality among individuals and non-discrimination. Respect for civil and political rights and satisfaction of the economic and social needs of citizens should go hand in hand. Democracy and development were inseparable.

53. None the less, achieving those objectives was not an easy task for the developing countries which, despite their economic difficulties, had embarked on the road to democracy and respect for human rights. That was why international solidarity was essential for creating a climate conducive to the enhancement of fundamental freedoms. At the African regional preparatory meeting for the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the President of Tunisia had urged the developed countries and international institutions to increase their assistance to the third world, especially in solving the debt problem which was hindering development and hence the process of democratization and promotion of human rights.

54. Tunisia was appalled at the persistence of abuses and violations against entire peoples who were being denied the most basic rights. The international community should mobilize as a matter of urgency to put a stop to all attacks on those rights and on human dignity. The African regional preparatory meeting, in which over 400 representatives of 41 African States and nearly 180 non-governmental organizations had taken part, had culminated in the adoption of the "Tunis Declaration". In that Declaration, among the obstacles to the attainment of human rights, the African States had drawn attention to extremism and religious fanaticism, calling on Governments, institutions, non-governmental organizations and individuals to do their utmost to confront that danger. Movements which systematically practised violence and intolerance had also been denounced at the OAU Summit Conference held at Dakar and at the recent Summit Conference of the non-aligned countries held at Jakarta.

55. The Tunis Declaration also emphasized the importance of effective national development policies, more equitable economic relations and a favourable economic environment for making progress in the area of human rights. In that connection, Africa hoped to benefit from international solidarity, an adequate increase in development assistance and an appropriate settlement of the debt problem. It also trusted that the Tunis Declaration and the resolutions of the forthcoming regional meetings would be taken seriously into consideration at the Vienna Conference, which would be an auspicious occasion for promoting human rights in the new world context.

Mr. Krenkel (Austria) resumed the Chair.

56. Mr. TÚRK (Slovenia) said that the current era was one of change, after decades during which world affairs had been conducted in a spirit of preservation of the political status quo. The seeds of change had been embedded, however, in the references to human rights in the Charter of the United Nations and in the Helsinki Final Act of the Conference on Security and Cooperation in Europe. It was the human rights movement that had been at the origin of democratic change and, hence, of the dissolution of obsolete sovereign States, such as the Soviet Union and Yugoslavia, in Europe. Human rights had thus been the major vehicle of change in the world in recent years. That did not mean that they were a panacea for all social evils, but simply that democracy and human rights were faithful allies and that political democracy provided the best framework for the realization of those rights.

57. In its own recent history, Slovenia had experienced the vital importance of democratic change, of which it was a determined advocate, and it was from that perspective that it viewed the current debate on human rights questions in the Third Committee.

58. The forthcoming World Conference would be an opportunity for overall consideration of those questions and for identifying the future course of United Nations action in that field. In that connection, it was high time that agreement was reached on the Conference agenda. His delegation hoped that the remaining differences of opinion on the matter would soon be overcome, and that the resolution on the agenda, of which Slovenia had been one of the first sponsors, would be adopted unanimously by the General Assembly.

59. The debate on human rights was taking place at a time of grave human rights problems. The humanitarian disasters in Somalia and Bosnia and Herzegovina had put the international community to a severe test. So far, the work done by United Nations agencies had not been very effective, and it had not been supported by a determined peacemaking effort. It was essential that the humanitarian missions in Bosnia and Herzegovina and in Somalia be given armed protection.

60. At a time when the devastating effects of poverty were being felt in many parts of the world, it was essential to remember that the development of material and spiritual well-being was necessary for the full realization of the human rights of each individual. That idea, which was set forth in the 1986 Declaration on the Right to Development, should be emphasized.

61. Among the phenomena that characterized the current human rights situation world wide, attention must be paid to the various forms of racism and racial discrimination, xenophobia and ethnic and religious intolerance. It would be the task of the World Conference on Human Rights to define the most efficient methods, including new methods, of combating those evils.

(Mr. Türk, Slovenia)

62. The protection of minorities came up naturally in that context. The General Assembly had before it at its current session the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, the culmination of a process that had lasted more than 40 years. As early as 1948, the General Assembly had adopted a resolution entitled "The fate of minorities" (resolution 217 C (III)). Slovenia hoped that the declaration on the rights of minorities would be adopted unanimously and would mark the beginning of a new era for them. To ensure the implementation of the provisions of the declaration, particularly those concerning the right of minorities to participate in matters affecting them and to receive instruction in their mother tongue, a great deal of expertise would be required. The United Nations, and the Centre for Human Rights at Geneva in particular, should start preparing for that task.

63. Turning to the specific situations of human rights violations in various countries, he wished to first refer to the situation in Bosnia and Herzegovina, where the abhorrent practice of so-called "ethnic cleansing" was in full operation. As the Special Rapporteur had emphasized, that practice was not a consequence of the war but rather its goal, and the war was one of territorial conquest. Given the nature of the war, vigorous international action must be taken to halt the extermination of non-Serbs in that country, which was a Member State of the United Nations, and to stop the aggression against it. The creation of humanitarian corridors was also an absolute priority. The same was true of Somalia, where the real nature of the military conflict needed to be fully understood.

64. In the Sudan, the reports of the Special Rapporteurs drew attention to the existence of serious violations of fundamental human rights which had led to a flow of refugees. Immediate action was essential to remedy that situation.

65. In El Salvador, the human rights situation must continue to be monitored as part of the expanded mandate of the peace-keeping operation.

66. Similar monitoring was clearly necessary in Iraq, where the human rights situation remained problematic.

67. In Myanmar, ill-treatment of prisoners and extrajudicial killings remained a source of serious concern.

68. With regard to Iran, he said that it was essential for the Government to cooperate with the Special Rapporteur charged with investigating the human rights situation in the country.

69. The member countries of the Conference on Security and Cooperation in Europe (CSCE) were not without their own problems in the area of human rights. In Croatia, in particular, United Nations forces had still not been able to disband Serbian irregular units and guarantee the repatriation of

(Mr. Türk, Slovenia)

refugees. In Upper Karabakh, arbitrary executions of civilians and other human rights violations had been reported. The United Nations and CSCE should coordinate their response to those situations.

70. One of the most dangerous human rights situations, however, was the one that existed in the Federal Republic of Yugoslavia (Serbia and Montenegro) where the non-Serbian populations of Vojvodina, Sandjak and Kosovo were the victims of brutal repression. There again, the international community, namely CSCE and the United Nations, should take preventive measures to ensure that the situation did not escalate into armed conflict. Generally speaking, it was important to identify those regions in the former Yugoslavia in which human rights violations occurred, and to agree on the methods that should be used to combat them.

71. In a world characterized by rapid political and social changes, new threats to human rights were emerging and it was up to the international community as a whole to ensure that the United Nations was equipped to deal with them.

72. Mr. JARAMILLO (Colombia) said that the question of human rights was of vital significance in Colombia, a country which had been torn by violence for many years and in which many lives had been sacrificed in defence of ideals that had been discredited by international political jargon.

73. Colombia, a democratic legitimate nation State which had ratified almost all the human rights instruments of the United Nations and the Organization of American States, now had a new political Constitution with eight chapters devoted to the promotion and defence of the rights of citizens. The determination of the Colombian Government to protect civil and political rights and to promote participatory democracy had been recognized by the Human Rights Committee during its consideration, earlier in 1992, of the third periodic report of Colombia. The determination of the Colombian Government was all the more noteworthy as the country was currently living through a very difficult period, characterized by an alarming resurgence of terrorist activity on the part of organizations linked to guerrilla groups and drug traffickers. More than 50 people, including members of the police and the armed forces, had been killed and many terrorist acts had been committed in different cities. The willingness of the Government to enter into dialogue had not been reciprocated by groups which, having abandoned their revolutionary ideals, had become common law criminals. Faced with that situation, and with the support of all sectors of the country, the Government had decreed a state of emergency which was being enforced with full respect for human rights and under the supervision of State institutions.

74. It was for those reasons that Colombia had high expectations of the World Conference on Human Rights to be held in 1993. During the preparatory meetings for the Conference, Colombia intended to reaffirm its position on the indivisibility of human rights, that is, economic, social and cultural rights

(Mr. Jaramillo, Colombia)

on one hand, and civil and political rights, on the other. Colombia noted with concern that there was a tendency to promote the latter to the detriment of the former. To do so was to ignore the fact that all countries shared responsibility for the observance of human rights. For example, the industrialized countries conditioned their international assistance on the existence of "progress towards democracy", which was totally unacceptable, failed to acknowledge the right to development and, worse still, set up barriers to trade in the commodities produced by developing countries. In his report to the Subcommission on Prevention of Discrimination and Protection of Minorities, the representative of the International Monetary Fund had underscored the importance of official development assistance, in other words, international cooperation.

75. The World Conference on Human Rights should examine the manifestations of racism, racial discrimination, xenophobia and apartheid in all regions of the world, without exception. It should consider the causes of the massacres perpetrated day after day in regions such as the former Yugoslavia and Somalia, and it should seriously consider such questions as the right to development. An in-depth review of human rights instruments should be undertaken in order to improve the effectiveness of the system in the human rights field. There was no need to create new bodies or to increase the number of special meetings which had financial implications and yielded very limited results in terms of the actual protection of human rights. The General Assembly and the Economic and Social Council were the principal organs responsible for ensuring the protection and promotion of those rights. Special sessions, such as that held by the Human Rights Commission in 1992, were regrettable initiatives which reflected the interests of the industrialized countries and were an example of the arbitrary conduct of those countries. The Commission had not held a special session to examine the massive and persistent violations of human rights in the occupied Arab territories but had convened one to examine the situation in the former Yugoslavia and to appoint a Special Rapporteur at the request of the United States. As far as Colombia was concerned, all violations of human rights should be investigated in accordance with the customary practice. His delegation hoped that all of those issues would be dealt with during the World Conference and the regional preparatory meetings. Colombia certainly intended to contribute to the success of the preparatory meeting for the World Conference for the Latin America and Caribbean region, which was to be held in Costa Rica in 1993. That meeting would provide an opportunity to underline the importance of international and inter-American activities in the field of human rights and to strengthen coordination between the inter-American system and the mechanisms of the United Nations.

76. Mr. HJELDE (Norway) said that, on the threshold of a new millennium, countries should renew their commitment to the principles embodied in the Charter and in the Universal Declaration of Human Rights. The World Conference to be held in 1993 would provide the opportunity to do so. Even now, the General Assembly could contribute to the objectives of the Conference

(Mr. Hjelde, Norway)

by adopting the draft declaration on the rights of persons belonging to national or ethnic, religious or linguistic minorities as well as the draft Declaration on the Protection of All Persons from Enforced Disappearance. Moreover, the launching on 10 December of the International Year for the World's Indigenous People on the theme of "a new partnership" and the award of the Nobel Peace Prize, on the same day, to Mrs. Rigoberta Menchu should be the point of departure for lasting initiatives aimed at satisfying the legitimate aspirations of the more than 300 million indigenous people throughout the world. Another subject of great concern to the Government of Norway was that of internal refugees. Norway intended to vigorously promote activities on behalf of that group of people in the competent international forums.

77. The international community was revolted and horrified by the atrocities committed against civilians in the territory of the former Yugoslavia, and particularly by the intolerable practice known as "ethnic cleansing". The authors of those crimes should be held individually accountable. That was why the United Nations should speed up the consideration under way in the Sixth Committee of the draft Statute of an international criminal court. Consideration might also be given to the possibility of establishing special regional courts under the auspices of the United Nations or of the Conference on Security and Cooperation in Europe (CSCE). The Norwegian Government supported the proposal along those lines which had recently been made to the CSCE.

78. Norway was worried about the situation in a number of countries, in particular in the new independent States where ethnic conflicts were emerging. That was the case, for example, in Georgia, Tajikistan and Nagorny-Karabakh. In Iraq as well Kurds and Shiite Arabs were still subject to abuses of their human rights. From Iran there were still reports of a large number of executions and of discrimination on the grounds of religious belief targeted in particular at the Baha'i community, not to mention the death sentence imposed on Salman Rushdie, a foreign national, which was illegal and must be repudiated.

79. In Africa democracy was making progress in a number of countries, in particular Malawi and Kenya, although an appeal must be made to Kenya for justice for the dissidents who were still being detained. In contrast, the situation was particularly worrying in Somalia, where Norway was supporting the United Nations efforts, including the recent appointment of Mr. Kittani as Special Representative of the Secretary-General, and in Sudan where the civil war was still going on and the human rights situation continued to deteriorate. In South Africa the Government must do everything possible to put an end to the violence, and the other parties must also assume their responsibilities. Norway commended the work of the commission of inquiry headed by Justice Goldstone. It urged the United Nations to intensify its efforts to speed up the negotiating process in South Africa.

(Mr. Hjelde, Norway)

80. The freezing of the construction of Israeli settlements in the occupied territories was a positive step. However, the Norwegian Government reiterated its call to Israel to respect the provisions of the Geneva Convention in the occupied territories.

81. Despite the recent removal of some restraints, the repression continued in Myanmar, especially with regard to ethnic minorities and dissidents. The Norwegian Government appealed to the Government of Myanmar to release Aung San Suu Kyi and respect the right of the people to choose its own Government.

82. The situation in Sri Lanka was complex and worrying. The only solution seemed to lie in a negotiated settlement of the conflict, something for which all the parties must work.

83. The Norwegian Government appealed to the Government of China to release all political prisoners and respect the ethnic, cultural and religious identity of the Tibetan people.

84. The Norwegian Government commended the efforts of the United Nations in Central America, where a negotiating process had begun both in El Salvador, between the Government and FMLN, and in Guatemala. It was to be hoped that peace would result and that human rights would be safeguarded. That was far from being the case in Guatemala, where the Government must use every possible means of ensuring that its declared intention of safeguarding human rights was carried out. In Cuba, Peru and Haiti, three countries untouched by the general trend towards democracy, the human rights situation was deplorable. The Norwegian Government appealed to the Cuban Government to respect the rights and freedoms of the people of Cuba, to the Government of Peru to restore representative democracy, and to the Haitian authorities to re-establish the legitimate civilian Government.

85. Lastly, his delegation drew special attention to the plight of street children throughout the world and called upon Governments to take immediate action to put an end to atrocities committed against them.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/47/L.39, L.40, L.41 and L.44)

Draft resolution A/C.3/47/L.39

86. Mr. FISENKO (Belarus) said that Croatia had become a sponsor of the draft resolution.

87. Draft resolution A/C.3/47/L.39 was adopted without a vote.

Draft resolution A/C.3/47/L.40

88. The CHAIRMAN said that Costa Rica, Sri Lanka, Kenya, Malawi, Nigeria and Swaziland had become sponsors of the draft resolution.

89. Draft resolution A/C.3/47/L.40 was adopted without a vote.

Draft resolution A/C.3/47/L.41

90. The CHAIRMAN said that Argentina, Costa Rica, Croatia, Nicaragua, Rwanda, India and Sweden had become sponsors of the draft resolution.

91. Draft resolution A/C.3/47/L.41 was adopted without a vote.

92. Mr. AIZAWA (Japan) said that his country had joined in the consensus on the draft resolution but maintained the reservations spelled out by the Japanese delegation in 1985 on the occasion of the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Draft resolution A/C.3/47/L.44

93. The CHAIRMAN said that, in addition to the countries mentioned in document A/C.3/47/L.44, Argentina, Costa Rica, El Salvador, Nicaragua, Poland, Spain, Uruguay and Belarus had become sponsors of the draft resolution.

94. Draft resolution A/C.3/47/L.44 was adopted without a vote.

The meeting rose at 1.05 p.m.